App. F. IX-4

Previous References

CS 5-35-24,32 (Supplt.)

Prohibition

1935-36

(CS)

File No. 5/35

Serial No. 3449

Letter References.

Preserved

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3449

Part B for Feb 1936

SUBJECT.

Conduct of Mr. D. Sethuraja Rao, Assistant Superintendent of Police.

WD 03607—GPB—22,500—2-8-35

Serial No.

1. To D.G. of Police – D.O. 691 d. 1.10.35.
Enquires what action he would propose to take regarding the very unfavourable remarks about Mr. D. Seshagiri Rao A.S.P.
2. D.O. No. CC 11/35-36 dt. 27.2.36 given.

The Inspector General of Police.

With reference to this office enquiry dt. 1.10.35 as to what action he would propose to take regarding Mr. D. Seshagiri Rao, A.S.P., forwards copy of his memo of 4.2.36 regarding the suspicious conduct of Mr. Seshagiri Rao in a case of burglary.

Submitted for orders. After examining the conduct of the A.S.P in detail the D.G.P concludes that the officer is unfit for executive charge for which he will not hereafter be recommended.

Dom
2/3

(R)

WD 03594—GPB—30,000—13-7-35

Serial No.

H. A.

In the Confidential report regarding the character & work of Mr. D. Seshagiri Rao for the year 1934-35, the following unfavourable remarks ~~xxxx~~ had been made: —

"A very unreliable officer. Always tortuous in his ways. His work as A.S.P. Davangere has been very unsatisfactory."

(Sd) M. Sundararaj Iyengar
Dy Com^r. 22.7.35

"Not to be trusted an inch. Do not straight in my opinion, and recently after getting into trouble, had to escape by paying hush money. Has no communal bias."

(Sd) J.A. Hamilton
6.8.35

R

In his office D.O. letter No 691 d 1.10.35, the I.G. of Police was asked what action he would propose to take in view of the very unfavourable remarks about the officer.

G.

In a letter d 6.10.35, the I.G.P. said that the officer's explanation had been called for on certain charges framed against him in connection with his conduct in Davangere Cr. No 51/34 & a further report would be sent later.

P.W.D

The letter now received from I.G.P. is in pursuance of the above. He has sent a copy of the Memo passed by him in the matter. In the memo, the I.G.P. has reviewed the ~~xxx~~ evidence adduced and explanations offered. While he has

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

Conduct of Mr D Seshagiri Rao 687
A.S.P. 1210.

File No. of 193 . | General and Revenue Secretariat

made some very disparaging remarks regarding the Conduct of the A.S.P., the I.G.P. has (in the absence of direct proof) not suggested any definite action beyond stating that the officer is unfit for executive charge for which he would not hereafter be recommended. [Mr Seshagiri Rao has been posted to the Police Training School - from 18.5.35].

OFFICE OF THE FIRST MINISTER OF FINANCE
4 MAR 1936
No. 6330

Submitted for orders

CPR 3.3.36
Under Secy.

The I.G.P. states that this officer is unfit for executive charge. He has already been posted to the Police Training school.

Chief Secretary) 4.3.36
(Home Minister + Finance) 5/3
No further action appears necessary at this stage

5/3
4/3
5/3

(First Member also in charge of Revenue duties)
Ce 5/3/36

B

30th September 5

1-10-

Confidential.

NO 691 CB 5-35-32

[With reference to the confidential reports sent by you regarding the character and work of the officers of the Police Department for the year 1934-35, I am desired to state that the adverse remarks in respect of Messrs. Safi Darashah and R. Muthoji Rao Scindia, Superintendents of Police, extracted in the accompanying sheet, may be communicated to the officers concerned.]

(Dealt with separately)

Regarding Mr. D. Seshagiri Rao, Assistant Superintendent of Police, I am to enquire what action you would propose to take in view of the very unfavourable remarks about him.

F. A. Hamilton, Esqr., C.I.E.,
Inspector General of Police in Mysore.

D. O. No. C.C. 11/35-36.

CB.487

F. A. HAMILTON, ESQ., C.I.E.,
INSPECTOR-GENERAL OF POLICE
IN MYSORE.

~~BANGALORE~~
Camp. Mysore.

6th October, 1935

CONFIDENTIAL.

C1 5-35-34

Dear Mr. Anantaraman,

With reference to your D.O.No. 691/C.B. 5-3572 dated the 1st instant enquiring what action I would propose to take against Mr. D. Seshagiri Rao, Assistant Superintendent of Police, in view of the unfavourable remarks in the Confidential Reports for 1934-35, I write to say that the explanation of this officer on certain charges framed against him in connection with his conduct in the Davangere Cr.No. 51/34 is awaited and that a report will be made to Government shortly.

The remarks in respect of Messrs. Safi - Darashah and R. Muthoji Rao Scindia, District - Superintendents of Police, have been communicated to them.

A
160

Yours sincerely,

F. A. Hamilton

K. V. Anantaraman, Esq., B.A.,
Chief Secretary to the Government
of Mysore, Camp. MYSORE.

CONFIDENTIAL

D. O. No. C.C. 11/35-36.
Enc.one.

F. A. HAMILTON, Esq., C.I.E.,
Inspector-General of Police
in Mysore.

CB 1210
CB 5-35-47

BANGALORE

27th February, 1936.

Dear Mr.Ramanathan,

I enclose herewith, in continuation of my D.O.letter No.C.C.11/35 dated 6-10-1935 to Mr.Anantaraman, a copy of Memo No.C.C.12/35-36 dated the 4th instant regarding the suspicious conduct of Mr.D. Seshagiri Rao, Assistant - Superintendent of Police, in a case of burglary registered as Davangere Kasba Station Crime No.51/34-35.

R This has reference to Mr.Anantaraman's D.O.letter No.691/C.B.5-35-32 dated the 1st October 1935, asking me to propose action to be taken against Mr.D. Seshagiri Rao, in view of the unfavourable remarks made by me against him in the Confidential Report for 1934-35.

Yours sincerely,

CB
27-2-36

To

A.V. Ramanathan, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
B A N G A L O R E.

No. C. C. 12/35-36.

Office of the
Inspector General of Police in Mysore,
Dated, Camp. Mysore the 4th February, 1936.

MEMORANDUM.

Reference:-1. Memo No. C. C. 93/34-35 dated 24th June, 1935 from the Deputy Commissioner, Chitaldrug District, forwarding the records of enquiry into the conduct of Mr. D. Seshagiri Rao, Assistant Superintendent of Police, Davangere in Davangere Kasba Station Cr. No. 51/34, forwarded with letter No. C. C. 45/34 dated 21st June 1935 of the District Superintendent of Police, Chitaldrug District.

2. Memo No. C. C. 12/35 dated 19th July, 1935, calling for the explanation of Mr. D. Seshagiri Rao, on the charges framed by the Inspector General of Police.

3. Letter No. C. 56/35-36 dated 12/13th November, 1935 from Mr. D. Seshagiri Rao, furnishing his explanation on the charges framed against him.

A burglary occurred in the house of Dhyamavva of Yemmanabethur at the end of December 1934, and was registered as Davanagere Kasba Station Cr. No. 51/34-35 on 25-1-1935 after delay on the part of the complainant and the Police. Jewels to the value of Rs. 1,245/- were alleged to have been stolen. Investigation revealed that one Andanappa had actually perpetrated the offence and had handed the stolen property to Gangavva, neighbour of the complainant, who kept it till the following day when they were removed to Shikarappa's house and entrusted to Shikarappa's wife, Kenchavva, for safe keeping. The Police arrested Shikarappa, his wife Kenchavva, Gangavva and her husband Doddalingappa on various dates. Andanappa absconded though said to have been in Yemmanabethur when Sub Inspector Raghavendra Rao arrived in the village. Gangavva confessed on 2-2-35 and two mahazars were recorded - one on 2-2-35 and the other on 3-2-35 in Anaji. In the second mahazar the name of Giriya, brother of Andanappa, was mentioned and this mahazar was made out after the Inspector (Mr. Krishnan) had left for Shimoga.

On 2nd February, in consequence of Gangavva's first confession, the Inspector and others went to Yemmanabethur hoping to recover property from Kenchavva but failed in this endeavour. In the evening the Assistant Superintendent of Police arrived in the

village. He spoke apart to Mallappa, brother of Shikarappa and then approached Shanbogue Subbanna and questioned him as to Shikarappa's possessions etc., and went on to ask what Shikarappa would say now that he had been caught and put in the lock-up, by his questions giving the Shanbogue to understand that he wanted to know what Shikarappa would pay for his release. The Shanbogue replied that he could not say since Shikarappa was at Anaji and was told by the Assistant Superintendent to find out. The next morning, the Shanbogue returned to Anaji with Kenchavva and that evening was sent by the Sub Inspector with Siddalingappa, adopted son of Shikarappa, to interview Shikarappa and told Shikarappa what the Assistant Superintendent had said at Yemmanabethur. Shikarappa asked how this could be done without the knowledge of the Inspector and was assured by the Shanbogue that the Inspector was absent, and the payments could be made without his knowledge. Shikarappa instructed Siddalingappa to take Rs. 500/- from the safe in his (Shikarappa's) house and hand the amount to the Shanbogue, Rs. 400/- to be handed over to the Sub Inspector to be paid to the Assistant Superintendent, the Daffedar and himself (Sub Inspector) while the balance was to be retained by the Shanbogue for expenses. In pursuance of Shikarappa's instructions, the Shanbogue and Sidda-Lingappa went to Yemmanabethur on this errand, and also to recover properties in the case, a matter which will be dealt with later. The key of Shikarappa's safe was not available, it having been seized at the time of the original search of Shikarappa's house. The Sub Inspector instructed the messengers to break open the safe but they had not the courage to do this from fear of making a noise and being detected. So the efforts made in this direction on the 4th, 5th and 6th February failed. Siddalingappa then gave the Shanbogue Rs. 30/- to be paid to the Sub Inspector. This was done and a further sum of Rs. 20/- was handed over by Siddalingappa for payment to the Daffedar Abdul Karim and was also handed to the Sub-Inspector, a further sum of Rs. 3/- to constable Jamal Sahib.

We now return to the attempted recovery of property mentioned above. After the Assistant Superintendent's interview with Mallappa

on 2nd February, the latter engaged in a plan of setting up a bogus set of property - supposed to have been stolen from Dhyamavva - which were to be recovered through Giriya, brother of Andanappa, should the said Andanappa not be arrested - meanwhile. The idea, as expressed by Mallappa, was that Giriya should produce these properties from his sugarcane garden. So on 3rd February, Giriya, the Daffedar and the Shanbogue went to Yemmanabethur by one route so that Mallappa should have an opportunity of showing Giriya where the - property was ~~fan~~ buried, while the Inspector and the others went by a longer route. On arrival, Mallappa was not to be found and when the Inspector turned up Giriya could not produce the goods and the party returned to Anaji disappointed. The Sub Inspector then told the Shanbogue to go and get the property from Mallappa. It was only then the Shanbogue became aware ~~of~~ the fact that the properties referred to were a bogus and not the genuine set. The Shanbogue was further instructed that on obtaining the properties from Mallappa he should keep them in his own house and then secrete them in such place as the Police should suggest for them to be - produced by Giriya. So it was with a double purpose that the party returned to Yemmanabethur on 4th February, firstly, to secure the bogus set of properties and secondly to secure Shikarappa's Rs.500/-. Just as the latter plan fell through owing to the absence of the keys of Shikarappa's safe, so the former elaborate attempt to fabricate a false recovery of property was disolved owing to perfidy of Mallappa.

There is a third phase in the affair. Later, in April, the Assistant Superintendent of Police, held an - enquiry into charges against Sub Inspector Raghavendra Rao of receiving an illegal gratification and attempting to secure a bogus set of properties from Mallappa. On concluding his enquiry the Assistant Superintendent held the Sub Inspector

not guilty of the first but guilty of the second charge. During this enquiry the Shanbogue when examined by the Assistant Superintendent, alleged that of the sum of Rs.500/- to be got from Shikarappa's safe, Rs.400/- was for the Assistant Superintendent, a statement which the Assistant Superintendent did not record though urged to do so by the Inspector. Consequent on this omission the Assistant Superintendent was able to write in his report that the Rs.500/- was for certain expenses which were not disclosed.

The above mentioned facts are spoken to in their entirety by the Shanbogue, Subbanna. Murigappa, son-in-law of Dhyamavva, who took a prominent part in the investigation of the case, speaks to an attempt by Mallappa and others to get him to accept the bogus properties proposed to be recovered from Giriya and have them identified by Dhyamavva. Murigappa at first protested but finally agreed to fall in with this plan.

Constable 70 speaks to the Assistant Superintendent of Police having an interview with Shikarappa in the lock-up at Anaji on 2nd February before going on to Yemmanabethur and again the same evening after his return from the village. He also speaks to the Shanbogue's conversation with Shikarappa.

Constable 150 supports Constable 70 on the points mentioned.

Siddavva speaks to the Assistant Superintendent's conversation with Mallappa in Yemmanabethur on 2nd February evening.

Dhyamavva speaks to being approached by Mallappa on 2nd February to accept some of his own properties as hers and to identify them as those stolen in the case as the Police wanted to extricate Shikarappa, and throw the blame on Giriya, but that Mallappa did not pursue the course laid down for him owing to the influence of others.

Mugappa, Patel of Dhyamanahalli, states that Mallappa approached him saying that as the properties stolen in the case were not available he would produce other properties of his own and asked him to induce Murigappa to accept the former. Murigappa agreed to identify the

property provided they were genuine ones.

Giriya who was to be the accused in the case also speaks to the plot regarding property to be recovered by him.

Shikarappa speaks to his interviews with the Assistant Superintendent but says the conversation was about the delivery of the property. Shikarappa protested his innocence. He denies the alleged transaction of his sending the Shanbogue to get money from his safe but tells another story of his being asked to pay the value of the bogus properties to be produced and Rs. 1,000/- in addition, a bargain which he says he rejected.

Gangavva speaks to making two confessional statements, one on 2nd and the other on 3rd February and to changing her story in the later one on the promise that she and her husband would be released if she would implicate Giriya and Andanappa.

Mallappa denies everything that is imputed to him.

Besides the statements recorded by the District Superintendent, Chitaldrug, into the complaint of Inspector Krishnan against the Assistant Superintendent, there is the report of the Assistant Superintendent in his enquiry into practically the same matters in connection with the conduct of Sub-Inspector Raghavendra Rao. While the Assistant Superintendent acquits the Sub Inspector of the charge of corruption, he finds him guilty of that of attempting to foist bogus properties on an innocent person. There is reason to doubt the <u>bonafides</u> of the Assistant Superintendent in his conduct of this enquiry as is shown by the evidence of Inspector Krishnan and Shanbogue Subbanna that he did not record the latter's statement as given by him. His report, with its laboured arguments; its inconsistencies and improbabilities, is of a very unconvincing nature and reads more like an attempt on the part of the Assistant Superintendent to exculpate himself from the charges laid at the door of the Sub Inspector in which he himself is accused of being a participant. He endeavours to show that

two mahazars recording the confessional statements made by Gangavva were both recorded on 2nd February and that these statements were made with an hour and a half interval of each other and argues that the Sub Inspector mentioned the second confession only in the Diary of 3rd February to make believe that Gangavva changed her version only on that date. The endeavour of the Assistant Superintendent was to prove that Gangavva changed her story before he (Assistant Superintendent) arrived on the scene. But here he is met with an inconsistency since he has to admit that when he examined Gangavva after his arrival, she adhered to the first version of her story. Both Gangavva and the Sub Inspector admit the second so called confession was recorded only on 3rd February and Gangavva states it was made on the promise that should she entangle Giriya and Andanappa, she and her husband would be released! This brings us to the plot arranged in concert with Mallappa to supply bogus properties which Giriya was to produce as if he had buried them. The plot amounts to this: Gangavva was promised the release of herself and her husband should she implicate the innocent Giriya and his brother, Andanappa, who was probably the guilty party. These two were the servants of Shikarappa and were to be sacrificed but it is more probable that Shikarappa, as the moneyed man of the party was to be the person saved at the expense of his innocent servant. There was, however, the proviso that Giriya should not be implicated unless Andanappa was not secured. In his report, it is to be noted, the Assistant Superintendent seeks to inculpate Giriya by referring over and overagain to his alleged confession. But Giriya never confessed; all he said was that Andanappa was the culprit and had buried the stolen property in his presence. Even this alleged statement was later on, when Giriya failed to reveal the spot where the property was said to have been buried, shown to be a fabrication which he (Giriya) had been tutored to make! It was merely part of the plot concocted through Mallappa to secure the recovery of a bogus set of properties.

It has to be discovered when and how this plot has its genesis. The evidence shows that Mallappa was the prime mover in the scheme, though he repudiates any part in the affair. It is also made clear that no whisper of the plot got abroad till after the Assistant Superintendent arrived on the scene and had a private interview with Mallappa. The Assistant Superintendent urges that it was Gangavva's second confession that led to the "confession" of Giriya and thus it becomes apparent why the Assistant Superintendent so strenuously endeavours to antedate the second confession of Gangavva and tries to make us believe that it was made before he reached Anaji and Yemmanabethur though his arguments to that end are belied by the facts! The attempt of the Assistant Superintendent to avoid his being in any way connected with the affair, made as it was in the face of the facts and supported by a misrepresentation of them, serves merely to expose his guilty knowledge of a clumsy plot. Yet the plot had its object: it was based on what was evidently the false statement of Gangavva obtained by the promise of her and her husband's release and her statement was the introduction to Giriya equally false and tutored "confession" which in its turn, with Mallappa's help, was to be the means of implicating Giriya and Andanappa. That act accomplished, the release of not only Gangavva and her husband but also of Shikarappa and his wife would automatically follow.

These conclusions seem forced upon us and in their light the Assistant Superintendent's interviews with Shikarappa, his questions put to the Shanbogue as to Shikarappa's status and possessions as well as his hints to that official of which the latter understood the interpretation became significant and have a value! The story of Shikarappa's sending for Rs.500/- from his safe acquires life which is quickened when it is known

that the Assistant Superintendent refused to record the ~~xtt~~ statement of the Shanbogue as to the destination of Rs. 400/- out of that sum. True it is that this omission enabled the Assistant Superintendent to write that this destination or purpose had not been disclosed, but such a statement was, on the face of it, merely stupid. If the purpose for which one fifth of the sum was required was announced, would the destination of the remaining four fifths be vieled in mystery? Besides, the failure of the Assistant Superintendent to record correctly the statement of the Shanbogue in the matter was neither the act of an innocent man nor becoming in an officer of the State.

It seems obvious that the plot to foist bogus properties on Giriya was initiated by the Assistant Superintendent himself though he left the Sub Inspector and his henchman the Daffedar to carry the scheme into effect. Throughout the record it is evident that the person the parties feared and behind whose back everything had to be done was - not the Assistant Superintendent, but - the Inspector and it was when that officer went off to Shimoga that endeavours were made to work out the plan. It failed as did the attempt to obtain money save on a minor scale to the benefit of the Sub Inspector, the Daffedar and a constable, but the guilt of the attempt remains and has to be accounted for.

There were thus three charges which the Assistant Superintendent had to meet and on which his explanation was required viz:-

i. Attempting to obtain an illegal gratification;

ii. Concocting a plot to have bogus property recovered in a case with a view to foist them on an innocent person and

iii. Failure to record correctly the statement of a witness in a departmental enquiry and thereby falsifying the record.

The explanation of the Assistant Superintendent runs to 66 typed pages which it has taken him nearly four months to compose. It has, naturally, taken some time to check the statements made by him in that explanation and unravel the skein of argument he has wound in his endeavours to exculpate himself from the -

responsibility for the charges which have been brought against him.

The Assistant Superintendent endeavours to shield himself in the matter of concocting a plot to have bogus property recovered by throwing the responsibility therefor upon Inspector Krishnan. This point he tries to establish by a lengthy argument of which I will cite the chief - particulars.

The first allegation made is that the Inspector was aware of the plot to foist properties on Giriya as is shown by the fact that the Inspector went to Yemmanabethur since the Shanbogue had told him on 3rd February morning of the matter. The Assistant Superintendent admits that the properties were then supposed to be genuine ones, a fact which releases the Inspector from the charge of knowing about the plot to foist bogus properties on Giriya which is the essence of the charge and which shows that the Inspector was an innocent dupe in the affair. This argument has no effect on the charge of concocting the plot in which it does not show the Inspector had any hand. He may have been misled into trying unwittingly to give effect to the plot but nothing more.

The second point put forward is that in the statement recorded by the Inspector from the Shanbogue on 15th February, the attempts made by Mallappa on the night of 2nd February and morning of 3rd February to foist property on Giriya were not mentioned. It has to be noted that the Inspector did not record the Statement mentioned: it is the statement of the Shanbogue himself in his own handwriting. This statement was given by the Shanbogue when the Inspector accused him of playing false and was an endeavour to expose all the mischief that had occurred and of which the - Inspector was the dupe. The Shanbogue, therefore, was responsible for any omissions in that statement and not the Inspector and to the latter cannot, in consequence,

be ascribed knowledge he did not possess.

This point in the Assistant Superintendent's explanation shows how careful one has to be in accepting statements made by him therein and how apt he is to mistate the facts.

The third argument is that information was available in Yemmanabethur on 26-1-1935, that Kenchavva had the property: this was also known on 2-2-1935 when Gangavva confessed: yet Kenchavva was not arrested till 4-2-1935.

The facts are that the story of Kenchavva having the property was one of several regarding its disposal ~~of the offence and~~ When it was known or believed that she had the properties attempts were made to recover it from her. These failing, she was arrested on 4th February after the Inspector had left the scene of operations. It has also to be observed that the Assistant Superintendent ~~xxxxxxxxxxxxxxxxxxxxxxxx~~ visited the spot on 2nd February afternoon when the information about Kenchavva, including Gangavva's confession, was known. If, therefore, Kenchavva should have been arrested as the Assistant Superintendent seems to think, why did he not give orders to that effect?

The fourth argument is that neither the Inspector nor the Shanbogue indicate that the Assistant Superintendent went to Yemmanabethur with the set purpose of arranging for an illegal gratification or with Mallappa to foist false properties on Giriya.

How could either the Inspector or the Shanbogue read the Assistant Superintendent's mind? It was during his visit to Yemmanabethur that the Shanbogue became aware of the direction of the Assistant Superintendent's mind when the latter questioned the Shanbogue as to Shikarappa's status and what he was likely to say now he was locked up, which questions, the Shanbogue took to mean what Shikarappa would pay for his release!

The fifth argument is that Ansi Basappa and Jadiyappa were the Agents of the Inspector and that Mallappa used these Agents in working out the plot against Giriya and also to get Murigappa

to identify the property to be recovered and his being in Anaji where the Inspector was. Also could it be that Murigappa did not tell the Inspector that Mallappa ~~had~~ intended to foist his own properties on Giriya?

It has to be remembered that at the time in question, Mallappa was supposed to be in possession of the properties stolen in the case though the Inspector did not know this since he believed that it was Giriya who had buried the property and was going to produce it. If the Inspector had known that Mallappa was in possession of the real property, why should he not seize them direct from that person instead of going through the farce of recovering them through Giriya from the sugarcane garden? This shows that the so-called agents of the Inspector were not his agents at all but were playing tricks behind his back and without his knowledge. Consequently, they concealed their operations from that officer. As to Murigappa not revealing matters to the Inspector, there is no need to speculate on what he did or omitted to do: his evidence is on record. He was examined by the Assistant Superintendent and he said he did not then inform the Inspector.

The sixth argument raises the very point on which the Assistant Superintendent bases his previous argument. If really, he asks, the Shanbogue had told the Inspector that Mallappa had the stolen property and if the Inspector was not a party to the plot, would he not have called on Mallappa to account for its possession? Exactly! Therefore, the Shanbogue did not give the Inspector this information nor was the Inspector a party to the plot.

The seventh argument is that Mallappa told the Shanbogue to see the Daffedar (of Anaji) about Giriya agreeing to recover the property to be buried by Mallappa. Since the Daffedar was at Anaji and Mallappa at Yemmanabethur during the term of the Assistant Superintendent's visit, obviously, Mallappa and the Daffedar must have previously arranged the plot and the

Assistant Superintendent could have no hand in it.

There is quite a simple solution at hand. The Assistant Superintendent saw Mallappa at Yemmanabethur and returned thence to Anaji where he saw the Daffedar. Could not and would not the Assistant Superintendent, if he were responsible for the plot, act as his own means of communication between Mallappa and the Daffedar? The statement of the Shanbogue cited by the Assistant Superintendent page 12 of his explanation shows that immediately after the Assistant Superintendent's visit to Yemmanabethur Mallappa proposed the plan of the plot. The question raised by the Shanbogue as to how Giriya was to ~~be~~ be got to agree might also have raised by Mallappa when the plot was hatched with the Assistant Superintendent who would arrange the Daffedar as the medium of communication between the parties. From the records it is clear that the Daffedar did play the part expected of him and if, as the Assistant Superintendent urges, there was no means of communication, ~~nor~~ how did he come to do so? There was no suggestion of the plot being arrived at before the Assistant Superintendent's visit! none else could be responsible for it

The Assistant Superintendent then goes on to give his own account of what happened during his visit to Anaji and Yemmanabethur. In the course of this tale he states that at Anaji in the presence of the Inspector ~~that~~ he (Assistant Superintendent) questioned the Sub Inspector as to how Gangavva retracted her confession. From the context this could only refer to 2nd February. Yet by the time the Assistant Superintendent left Anaji on that date Gangavva had not retracted her confession as the Assistant Superintendent ~~stat~~ himself states on page 10 of his report dated 9-5-1935!

The eighth argument is a novel one. In it the Assistant Superintendent introduces a new theory as to why money was required from Shikarappa. It was, he ~~argues~~ urges, to compensate Mallappa for his losing Rs. 1,200/- worth of Jewels! In the first place, assuming this theory is a correct one, would Rs. 500/- be adequate compensation for the loss of Rs. 1,200/-? In the second, Mallappa,

should he hand over his own jewels to be recovered by the Police would not incur any loss as the property would be replaced by the real stolen property. The ingenuity of the Assistant Superintendent has led him astray and one naturally would ask why he invented this ingenuous theory unless he admits that money was demanded from Shikarappa and he felt he had in some way to account for that fact in ways other than the one originally suggested, namely, that the money or most of it was to go into his own pocket.

The ninth argument of the Assistant Superintendent deals with alleged false reports made by the Sub Inspector in his Special Diaries of 2nd and 3rd February which, since they passed through the Inspector indicate a joint endeavour on the part of these two officers to keep him (Assistant Superintendent) in the dark.

The said false reports were really diplomatic attempts on the part of the Sub Inspector to conceal from outsiders the action taken by the Police during the investigation and since the Assistant Superintendent was fully aware of these ~~facts~~ acts there could be no endeavour on anybody's part to keep him in the dark regarding facts within his knowledge.

There are further arguments to the same effect which include the Shanbogue as one of the conspirators. It is ~~xx~~ clear from the record that the Shanbogue was deceiving the Inspector and not the Sub Inspector or the Assistant Superintendent. The Shanbogue was playing a double game but the argument that he changed his story about the property produced by Mallappa being ~~for~~ the real and then bogus property ~~xxxx

The tenth argument relates to the second confession on Gangavva and the Mahazar dated 2nd February thereanent. The Assistant Superintendent indulges in a lengthy argument to try and prove that this Mahazar was really written on 2nd February before Kenchavva was taken to Yemmanabethur as stated by the Shanbogue to him on 11th April.

The Shanbogue has, however, stated that he made his statement to the Assistant Superintendent having in view the date of the Mahazar which was really written on 3rd February. Had the second so called confession really been recorded on 2nd February before Kenchavva was taken to Yemmanabethur, since it cast suspicion on Giriya and not Kenchavva, the reason for taking Kenchavva to Yemmanabethur disappeared. The Assistant Superintendent himself questioned Gangavva on 2nd February evening and states definitely that she then adhered to her first confession. If so, she could not then have retracted that confession and made a different one. It is true that Gangavva gave different stories at different times on 2nd February, first mentioning Siddabasappa, then Kenchavva, then Andanappa, a fact which the Inspector brought to the Assistant Superintendent's notice, but up to the time the Assistant Superintendent left she did not mention Giriya.

The Assistant Superintendent goes on to indicate discrepancies in the statements of the various witnesses in the statements made by them at different times to different people. Among these he includes the statements recorded by himself. But it is scarcely to be expected that in these statements the witnesses would make allegations against the officer recording the ~~statements~~ or that, if they did, the Assistant Superintendent would place them on record. He cites a discrepancy between the ~~statements~~ of Ansi Basappa and the Shanbogue relative to the negotiations with Shikarappa to get him to pay Rs.500/-, Ansi Basappa saying this took place on the morning of 3rd February while the Shanbogue

places the ~~date~~ incident on the evening of that day. The chief point is that both witnesses admit such negotiations were entered into: it is not so important when they took place and witnesses could scarcely be expected to be absolutely accurate regarding events which had occurred over four months previously.

In dealing with the endeavour to obtain Rs.500/- from Shikarappa the Assistant Superintendent indulges in a lengthy argument and cites the various statements of the Shanbogue, including the one written by that individual himself on 15th February, in an effort to produce discrepancies. One of these statements was that recorded by the Assistant Superintendent himself regarding which there is a charge against him for not recording accurately what the witness stated. Much reliance therefore, cannot be placed on that statement, wherein as I have remarked above, the Assistant Suprintendent could not be expected to place on record charges detrimental to himself. It is this statement chiefly that is used to create discrepancies. Regarding the other statement the Assistant Superintendent demands meticulous accuracy, failing which he claims to have found a discrepancy. But it is the main drift of the statements that has to be depended on and this makes the affair clear. Of Rs.500/-, part (Rs.400/-), according to the Shanbogue, was to be paid to the Sub Inspector who was to pay the Assistant Superintendent his share, the balance of (Rs.100) to go to the Shanbogue for other expenses. The Inspector had no direct knowledge of the negotiations and the proposed transaction: all he knew later on was that Rs.500/- was bargained for and that it was proposed to pay the Assistant Superintendent. Discrepancies are put forward that do not exist and every endeavour is made to confuse the issue. The question of whether Jadiyappa was or was not an intermediary is one of the issues raised. This point has not been made entirely

clear but is unimportant since the destination of the money was clearly the Police.

The Assistant Superintendent does not try to contravert the evidence regarding the attempt to obtain Rs.500/- from Shikarappa, all he tries to show is that there are discrepancies and indecision regarding the portion of the sum which was destined to reach his pocket. Indeed, as we have seen above, he admits these negotiations and has invented a novel theory as to the purpose for which the money was wanted. That theory is a farfetched one based on no evidence and its invention merely to show there was no other destination than the Police for Shikarappa's intended "gift". The evidence, however, leaves no doubt in my mind that the major portion of the money was destined for the Police should it be obtained and, at the very least, creates the belief that the Assistant Superintendent was to be a sharer.

As regards the failure to record the Shanbogue's statement correctly, the Assistant Superintendent meets this charge with a denial and an argument intended to show that the Shanbogue did not make the alleged statement. The argument is not convincing and there appears little reason why this story should have been invented had it not had a basis in fact.

The Assistant Superintendent by no means clears himself by his lengthy explanation, but the facts necessitate the absence of direct proof since the plans made - both that to foist property on Giriya and that to obtain money from Shikarappa - fell through. That there were cross currents at work is evident. The plan to foist property on Giriya took in not only the Inspector but also the Shanbogue, at least at the outset, and indicates an outside instrumentality behind it. There could have been no other such agency but that of the Assistant Superintendent who alone could have prepared the way for the plot both in Yemmanabethur and at Anaji. No one beside him, also, was anxious for the release of Shikarappa and both the plot regarding the foisting of false

properties and the move to release Shikarappa came into being after the Assistant Superintendent's visit. Regarding the failure to record the Shanbogue's statement correctly, such evidence as there is, is against the Assistant Superintendent and is seconded by probability.

The conduct of the Assistant Superintendent must, therefore, in my opinion, be surrounded by the gravest suspicion and only the absence of direct proof on the first two charges prevents me from asking that serious action be taken against him. It has to be concluded, however, that this officer is unfit for executive charge for which he will not hereafter be recommended.

INSPECTOR GENERAL OF POLICE.

HLR.